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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 65th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 19 April, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.15 p.m.

RIGHTS OF THE CHILD (agenda item 13) (continued)

Statement by the United Nations High Commissioner for Human Rights pursuant to Commission resolution 2000/60 on the abduction of children from northern Uganda

1. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that the Mission of the Office of the High Commissioner for Human Rights (OHCHR) had been undertaken in response to Commission resolution 2000/60, which had asked the Office to make an assessment of the situation on the ground in the affected areas. The Mission had visited Uganda, the Sudan and Nairobi, Kenya, from 17 March to 6 April 2001. Its work had been undertaken in close consultation with and with the participation of the United Nations Children's Fund (UNICEF) and the Office of the Special Representative of the Secretary-General for children and armed conflict. The Mission's report was being prepared and would be issued as a Commission document. In the meantime, she wished to submit a preliminary presentation of the Mission and its findings.

2. The Abducted Children Registration and Information System, a database developed and maintained jointly by UNICEF and the Government of Uganda, estimated that about one third of the 26,365 cases of abduction recorded in the database involved children under the age of 18 (8,788 cases). Roughly 20 per cent of the recorded abductees were females.

3. In 2001 alone, if there was no change, hundreds of children, both boys and girls, would probably be abducted by the Lord's Resistance Army (LRA). Many of them would ultimately perish in the bush, either as a result of the harsh living conditions or at the hands of other captives. Current estimates put the strength of the LRA at around 200 to 300 operating within Uganda and about 800 operating in the southern Sudan. The vast majority of LRA fighters and camp followers were either children or had been children at the time of their abduction.

4. The Mission had heard that children abducted by the LRA were forced to carry out attacks in their home villages and to kill any child who attempted to escape. Many of those who had escaped had reported being terrorized, tied up and forced to carry heavy loads. Many had also reported beatings during the march through the bush. In some cases, children had been beaten to death for attempting to escape. Many of the escaped children whom the Mission had met had been injured. There were reports of long-term and serious disabilities as a result of the injuries incurred.

5. Most women and girls abducted and retained by the LRA were taken to serve as "wives" for the LRA commanders. Those not complying with the sexual demands made on them were beaten or killed. It was reported that many babies had been born in the LRA camps; and, for young women who would otherwise try to escape and return to their families, the social stigma of having become pregnant under such circumstances reportedly added to their reluctance and fear to return home. A large part of the estimated 6,000 missing children were presumed dead.

6. Despite the system of terror that reigned within the camps and the deadly punishment for showing disloyalty, children did escape from the LRA and make their way to freedom. A total

of 123 such persons, including both adults and children, who had escaped in the southern Sudan during 2000-2001 had become part of a programme of repatriation to Uganda. Of those, 19 were small children or babies who had been born in the camps and escaped with their mothers. Most of the adolescents and adults had spent between two and four years in the camps before escaping.

7. Member States, international organizations, humanitarian bodies and other parties had made important efforts to improve the situation of abducted children and assist the victims. Bilateral agreements had been concluded between the Governments of the Sudan and Uganda aimed at improving relations and, in particular, returning abducted children to their homes. Chief among them were the Agreement between the two Governments signed on 8 December 1999 in Nairobi and the Record of Commitments Made, signed on 19 November 2000 in Nairobi. There had also been a Joint Communiqué on Immediate Action on Abducted Children, signed on 17 September 2000 in Winnipeg, Canada, which had led to further meetings between the two countries, as well as with representatives of the Governments of Canada, Egypt and the Libyan Arab Jamahiriya.

8. The Mission had been able to confirm that substantial progress had been achieved in the implementation of the two Nairobi Agreements. However, urgent steps were needed to implement them in full. That included the establishment of the Observation Team provided for in the Record of Commitments Made, the purpose of which would be to observe whether there was any support, recruitment or other military activities in Uganda with respect to the Sudanese People's Liberation Army (SPLA). That measure was of particular importance, since the Mission had also found that a general atmosphere of mistrust currently existed on both sides, focusing on unfulfilled commitments.

9. In Uganda, significant steps had been taken towards the prevention of further abductions and the reintegration of child abductees who had escaped from the LRA. Throughout the major population centres in the affected areas, local organizations had been formed to mobilize support and assistance for affected families and returning children. Local coordinating forums, such as the Joint Peace Forum in Kitgum, brought together the organizations concerned in order to unify their message and efforts and to decide on a division of labour. World Vision, Gulu Support for Children Organization (GUSCO) and Kitgum Concerned Women Association (KICWA) were examples of the many non-governmental organizations (NGOs) working with the returned child abductees and providing them with psychological and social support.

10. The Ugandan Amnesty Act, adopted on 21 January 2001, and the Commission created thereunder represented an important initiative to facilitate the return of abducted children. Amnesty had been provided for anyone abandoning armed rebellion and surrendering his or her arms. It should be noted that the Amnesty Act and the reconciliation process had the strong and determined support of all the organizations in the north with which the Mission had held meetings and, reportedly, among the general public as well.

11. A Child Protection Unit had been established in the headquarters of the 4th Ugandan Army. The Unit was responsible for the care of child abductees secured as a result of military operations. Its work had been enhanced as a result of the child-rights and humanitarian training carried out with army personnel deployed in northern Uganda.

12. The Government of the Sudan had created a reception centre in Juba to receive and process LRA escapees. The return of the escapees via Khartoum was being coordinated through the Humanitarian Aid Commission set up by the Government of the Sudan and assisted, in particular, by UNICEF and the International Organization for Migration (IOM). Transit centres had been established at Suba, outside Khartoum, in December 2000 for women and children and in March 2001 for adult men. A cut-off of support for the LRA in the Sudan had also been noted. However, more efforts were needed to disarm and disband the LRA forces inside the Sudan.

13. The Mission had made a number of important interim conclusions. In the first place, the LRA should be urged to stop its abduction of children and meet mediators as well as representatives of the Acholi community - the dominant ethnic group in the affected areas - who were trying to achieve a peaceful resolution to the conflict in northern Uganda.

14. National and international efforts must be focused on expediting the return and reintegration of the children as a priority for all the parties involved. Further steps were necessary in the Sudan to assist the escape of children and facilitate their access to the reception centre in Juba.

15. Full implementation of the relevant agreements between Uganda and the Sudan must be ensured, for they were highly instrumental to the resolution of problems relating to the abduction of children and wider human rights problems in northern Uganda. Such action should include setting up the Observation Team, cutting off all support to the LRA in the Sudan, increasing efforts to disarm and disband the LRA and facilitating contacts between the LRA and the Acholi community.

16. Additional efforts must be made to make the Amnesty Act fully functional, including the opening of further regional offices of the Amnesty Commission. There was an urgent need for a media campaign to demonstrate clear support for the amnesty and reconciliation process.

17. There should be more active involvement by international organizations in systematically monitoring the conditions under which LRA escapees were handled and debriefed by the military in both the southern Sudan and Uganda. Wider access by those organizations to the affected areas should be facilitated.

18. More international support was needed for efforts to reintegrate former LRA abductees into society, particularly through education and vocational training. The needs of the victims should be addressed immediately through small projects targeting specific groups of returnees.

19. As most LRA escapees within northern Uganda were children who had been abducted for relatively short periods, efforts should be made to expedite their return to their families without undue delay.

20. The Government of the Sudan should be encouraged to develop a strategy aimed at the identification and eventual return of all former child abductees who had escaped and might be living in the southern Sudan.

21. The Mission Report would provide more details of the situation of children abducted in northern Uganda. The preliminary findings, however, indicated the magnitude of the problem. She knew that delegations were considering the possibility of maintaining the issue on the Commission's agenda and believed that her preliminary assessments would assist the Commission in its deliberations.

22. Mr. GAKWANDI (Observer for Uganda) commended the balanced account given by the Mission of the evil unleashed by the LRA but regretted that the full report was not yet available. The High Commissioner's visit could make an important contribution to finding a permanent solution to the problem.

23. The LRA claimed to be a political movement but, being unable to attract followers, it had turned to abduction, brutalizing the very people it purported to help. The Ugandan army had played a vital role in restricting the damage done by the LRA: when children escaped, they were welcomed by the army, which had set up Child Protection Units, with assistance from Save The Children Denmark.

24. His Government was determined to use all measures to resolve the situation, including amnesty for all who chose to surrender and diplomatic measures to erode LRA support. The bilateral agreements between Uganda and the Sudan were valuable in that regard; their principal element being that the Governments should work with donor countries on disarming and disbanding the LRA and relocating its victims. His Government had also agreed to the proposed observer mission by the Libyan Arab Jamahiriya and Egypt to monitor the common border between Uganda and the Sudan in order to allay suspicions that Uganda was supporting the LRA in any way. His Government was ready to participate as soon as the relocation process got under way. A third approach to dealing with the LRA was to enlist the help of the local community.

25. His delegation particularly appreciated the tone of the report by the Mission as compared with that produced by the Special Representative of the Secretary-General for children and armed conflict (E/CN.4/2001/76), who had made serious but unsubstantiated allegations about the role of the Ugandan Government, suggesting that it had no desire to end the war because it wished to destroy the local community. That was an extremely serious charge which was all the more surprising in that the Special Representative had never visited northern Uganda. Most of the recommendations of the Mission report were in line with the policy of the Ugandan Government.

26. Lastly, he wished to express his Government's gratitude to OHCHR, NGOs and the aid agencies, especially UNICEF, which had played a leading role in alleviating the situation.

27. Mr. SIDDIG (Observer for the Sudan) said that his Government condemned the reprehensible phenomenon of abduction, and had done its utmost to put a stop to it. The bilateral agreements between the Sudan and Uganda would be useful in that regard, especially the first, in which it had been agreed that the rebels must be contacted on the joint border. That aspect of the agreement had been implemented by his Government, as confirmed by OHCHR.

28. The abduction of children had started after the SPLA had taken control of the border area. The SPLA had abducted over 77,000 children. The region was so large that not all of it

was under Government control. The continuing conflict also exacerbated the situation. The proposal that Egyptian and Libyan monitors should be deployed on the border was thus a welcome one. His Government was also fully prepared to cooperate with United Nations monitoring bodies. Lastly, he expressed his appreciation of the work of UNICEF and other organizations in aiding his Government in its policy of returning children to their parents.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

(b) HUMAN RIGHTS DEFENDERS

(c) INFORMATION AND EDUCATION

(d) SCIENCE AND ENVIRONMENT (agenda item 17) (continued) (E/CN.4/2001/87, 88 and Corr.1, 89 and Corr.1, 90-92, 93 and Add.1, 94-96, 117, 120 and 125; E/CN.4/2001/NGO/35, 45, 55, 97, 160, 161, 173 and 179; E/2000/3 and Corr.1; A/55/360)

29. Mr. AZIZ (International Islamic Federation of Student Organizations) said that the thousands of men and women doing God's work at the risk of their lives played a crucial role in creating general awareness in all societies of rights and freedoms. His organization hoped that the scope of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms would not be limited to human rights groups but would extend to all individuals who spoke out against human rights violations.

30. Human rights defenders in Indian-occupied Jammu and Kashmir were subjected to daily assaults, threats and summary executions, the perpetrators of which enjoyed impunity within the Indian legal framework. International human rights defenders, meanwhile, had had difficulty in obtaining visas to visit India for investigation purposes. The Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment and on extrajudicial, summary or arbitrary executions had also been refused permission to visit India, despite their repeated requests.

31. His organization called on the Commission to appoint a special rapporteur on the human rights situation in Jammu and Kashmir in order to make human rights violators accountable for their barbaric acts.

32. Mr. SOE (War Resisters International) said that people in Myanmar were arrested and jailed simply for exercising their right to promote democracy and human rights. Almost all were tortured and held in unimaginably harsh conditions. To exemplify the situation, he gave the histories of two militants, Thet Win Aung, who in January 1999, had been sentenced to 59 years' imprisonment for leading student protests, and Moe Hein Aung, whose sentence to 38 years' imprisonment for leading a student demonstration in 1998 had recently been extended to 59 years also.

33. Ms. SMITH (International Service for Human Rights) said that the first report by the Special Representative of the Secretary-General on human rights defenders made dispiriting reading. Human rights defenders in numerous countries faced kidnapping, forced disappearance, assassination, arbitrary detention and torture, as well as more insidious forms of repression such as death threats, restrictive administrative procedures and the prohibition of all external financial support. In Colombia, Mexico, Belarus, Russia, Algeria, Tunisia, Egypt, the Democratic Republic of the Congo and most of the Asian countries, Governments did their utmost to silence defenders. It seemed that States needed reminding yet again that they had international obligations regarding human rights. The number of seminars run by her organization on the protection of human rights defenders was to be doubled. As long as States continued their repression, it would continue and broaden its activities.

34. Ms. ROBERT (Médecins du Monde) said that civilian populations were increasingly being caught up in armed conflicts, whether in Rwanda, Bosnia, Kosovo, Chechnya or Guinea. Although States had the primary responsibility to ensure their protection, it was vital that international measures be strengthened also. The United Nations should establish a humanitarian commission charged with gathering comprehensive and reliable data on vulnerable populations so that their needs might be taken more fully into account in political decision-making at all levels, including within the Security Council.

35. Mr. NINDORERA (International Human Rights Law Group) said that, in Sierra Leone, Burundi and Cambodia, measures were being taken to address impunity for human rights violations, which included the establishment of criminal courts and "truth and reconciliation" commissions. In the Democratic Republic of the Congo, violations continued to be committed with total impunity by the warring factions, yet the ceasefire agreement (the Lusaka Protocol) was silent on the issue. Drawing the attention of the Commission to the fragility of any peace which depended on the enforced silence of the victims, he urged it to adopt a resolution on impunity in post-conflict situations and to appoint an independent expert on the question.

36. Minimum conditions of peace and security must be ensured before "transitional justice" mechanisms were established in countries experiencing extreme violence. The latter must not, however, become a substitute for national courts. It was essential that there be local ownership of efforts to address impunity, and that any amnesties for crimes must be accorded pursuant to international law.

37. Mr. SENG (Rural Reconstruction Nepal) drew attention to a number of recent cases of violations of the rights of human rights defenders in Malaysia; such as arbitrary detention, prosecutions, death threats etc. Leaders of the indigenous peoples of Malaysia were also being persecuted in connection with their efforts to prevent their land from being seized for development projects. A number of indigenous villagers who had protested against logging encroachment were on trial for murder and risked the death penalty. His organization was particularly concerned about the disappearance of Bruno Manser, a Swiss human rights defender last seen in Sarawak. In addition, human rights defenders protesting at racial discrimination in respect of access to housing, education and employment were accused of "challenging Malay special privileges" and "creating racial tension". Malaysia was not even a party to certain core human rights instruments and its Government certainly did not practise what its delegation preached in the Commission.

38. Mr. CALZON (Liberal International) drew attention to the critical plight of human rights defenders in Cuba. They were often prevented from travelling abroad or dismissed from their jobs, their children expelled from school. According to Amnesty International, the Cuban Government had denied medicine to certain political prisoners. Although a plebiscite was allowed under the Cuban Constitution, police were threatening Osvaldo Paya (leader of Cuba's Christian Liberation Movement) and other signatories of a document that called for a referendum so that the Cubans might decide their own destiny. Meanwhile, the President asserted that dissenting Cubans were traitors and that Governments who dared speak of human rights violations in Cuba were "boot lickers" of the United States. He should follow the example of the President of Mexico and invite international organizations and NGOs to visit Cuba.

39. Mr. GUPTA (Afro-Asian People's Solidarity Organization) said that education was a fundamental tool for furthering peace and human rights, as well as a key instrument for change. Human rights education should be provided at all levels, not least to parliamentarians, policy-makers, administrators, the judiciary and security and police forces. The availability of qualified personnel in every field of peace and security must be increased. In countries such as Pakistan and Afghanistan, children were taught that their creed was the only true creed, which must be defended with their lives. Such indoctrination had resulted in the Taliban. All States had the responsibility of monitoring their education systems to eliminate discrimination and religious intolerance from school curricula and teaching materials.

40. Mr. GRAVES (Interfaith International) said that his organization sought to promote a culture of peace by expressing its solidarity with the victims of human rights violations. Human rights NGOs did not seek to challenge the integrity of States, but rather to cause oppressive Governments to listen to reason. In so doing, they should avoid being used as political tools. NGOs had an obligation to facilitate dialogue between the oppressors and the oppressed; they must continue to support victims, even if the latter were branded as "terrorists".

41. Ms. SABIC (Women's International League for Peace and Freedom) said that impunity for violations against women in armed conflict was supported by existing structures which communicated that such violence was acceptable and hampered the reporting and prosecution of such crimes. Accordingly: national laws and procedures must be revised to eliminate gender bias; sexual violence in conflict areas must be documented; and human rights obligations incorporated into peace agreements. Peace-keeping forces and international police often failed to prioritize the investigation of rape and other crimes of sexual violence, thus perpetuating impunity for such crimes in areas under their control. Thus, the Commission should break the wall of silence surrounding such violations. In particular, it should appoint an independent expert on impunity to document cases of impunity, with a particular focus on gender violence.

42. Ms. BELLAMY (International Confederation of Free Trade Unions) offered her organization's full cooperation to the Special Representative of the Secretary-General on human rights defenders. The standard-setting efforts of the international community to protect human rights defenders were not being translated into firm commitments at the national level. Every year, hundreds of trade unionists throughout the world were murdered, and thousands of workers were dismissed for attempting to organize trade unions. Her organization promoted universal respect for trade union rights and defended trade unionists whose human rights were violated. It also campaigned for quality education for all children.

43. In Haiti, members of a teachers' trade union had for several years been urging the Government to strengthen the substandard education system as a matter of priority; for similar activities, the leader of the association of Ethiopian teachers was currently serving a prison sentence. In China - which had the lowest expenditure on education in Asia - it was a matter of concern that the provision of nine years' of free education for children had been abolished in the early 1990s.

44. Mr. OWONA (International Young Catholic Students) said he welcomed the adoption of draft resolution E/CN.4/2001/L.9, whereby the Commission encouraged Governments to include youth delegates in their official delegations to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and expressed the hope that the young delegates would be permitted to speak. Establishment of a culture of peace and respect for human rights could best be ensured by implementing the recommendations contained in the various reports of the Secretary-General and by promoting cooperation in respect of human rights education. That could be achieved by encouraging the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other specialized agencies to integrate human rights education into their cooperation programmes with Member States and by urging States to accord as much importance to human rights education as they did to other subjects and to include it in school curricula from the earliest years. Where possible, the private sector, religious groups, communities and even families should be encouraged to participate in the financing of such education.

45. Mr. ACHOUR (Organisation Tunisienne de l'education et de la famille) said that his organization was working to promote a human rights culture in Tunisia and, to that end, it sought to reconcile social and economic rights with civil and political ones. He welcomed the emphasis placed by the special representative of the Secretary-General in her report (E/CN.4/2001/94, para. 24) on the importance of emphasizing dialogue in efforts to promote respect for human rights. That had not been understood by certain groups which advocated radicalization and overstatement instead of appreciating the real progress made by societies in transition to a democracy. His country was proud of what had been achieved but realized that more must be done to consolidate democracy and human rights.

46. Ms. LAMBRINOPOULOU (Marangopoulos Foundation for Human Rights) drew attention to the fact that over 1,000 political prisoners in Turkey were on hunger strike to protest their transfer to the "white cells" of the new Turkish F-type prisons; 32 had already died. Confinement of such prisoners in total isolation was indicative of an intent to exterminate them. According to the European Prison Rules, punishment by disciplinary confinement was permissible only if the medical officer, after examination, certified daily in writing that the prisoner was fit to sustain it (rule 38).

47. The reports of attacks on human rights organizations in various cities provided further evidence of a plan to suppress the struggle for democracy in that country.

48. Such practices were in contravention of the international instruments ratified by Turkey, including the European Convention on Human Rights, and were a flagrant violation of the Declaration contained in General Assembly resolution 53/144, which had been adopted by

consensus, in other words with the consent of the Turkish Government. She therefore urged the Commission to use all means offered by international law to put an end to the extermination of human rights defenders in Turkey.

49. Mr. COLE (Nigeria) said that his Government remained committed to the promotion and protection of human rights and was endeavouring to secure those rights for all Nigerians. It had started to review the Constitution in order to align it with the various international human rights instruments and to respond to the dynamics of Nigeria's socio-economic development.

50. His delegation in the main endorsed the report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2001/94), and trusted that progress would be achieved in the implementation of the Declaration.

51. The challenges posed by advances in science and technology to the enjoyment of human rights were many. The need for agreed international guidelines on how to respond to those challenges could not be overemphasized. Nigeria was ready to cooperate with other States to promote education and the flow of information in the field of human rights.

52. He expressed appreciation to OHCHR for sending a needs assessment team to Nigeria, and his confidence that the report of the team would provide the basis for a memorandum of understanding on technical assistance and advisory services in such areas as capacity-building, information technology and other assistance to strengthen the promotion of human rights. His Government was committed to cooperating with all nations to consolidate its gains in democracy and human rights.

Statements in exercise of the right of reply

53. Mr. RAJA NUSHIRWAN (Malaysia), replying to statements made by NGOs regarding Malaysia, said that one speaker had referred to the detention of seven people under the Internal Security Act. Those persons should be categorized not as human rights defenders but as militant activists, for they sought to overthrow the Government. Their plans testified to their violent intentions and tactics. In 1999, that same group, acting under the aegis of a political party, had attempted to create confusion, spreading false rumours on religious and racial issues and organizing an illegal gathering which had ended in clashes with the police. The actions of the police had been in line with the Internal Security Act, a law passed by the democratically elected parliament. His Government was open to change and necessary reforms were being undertaken, all changes being effected by consensus.

54. Regarding the allegations made at the current meeting concerning other so-called human rights defenders, the speaker himself had said that those individuals had been charged under the law. The principle of the rule of law dictated that the law should be applied to all equally. In his view it did not mean that there should be different standards for persons whom some chose to call human rights defenders.

55. Mr. MALEVICH (Observer for Belarus) said that the observer for Albania should reflect on his own country's problems rather than indulge in groundless allegations against other

countries. Belarus was a civilized European country that guaranteed all human rights to its citizens, even during a difficult transitional period. Unlike certain other countries, it had also managed to avoid armed conflict. It was the practice of many nations, including some in Europe, to prohibit any funding of political parties, trade unions or certain NGOs from abroad, since that amounted to foreign interference in domestic processes.

56. Mr. BENDO (Observer for Albania) said that he had merely mentioned Belarus as an example of a country that was not a model of respect for human rights defenders. He had not dwelt on the other issues which the observer for Belarus had mentioned. Human rights problems were not merely an internal affair of the country in which they occurred and he had simply been trying to make a constructive comment. It was clear from the reports of independent human rights organizations that Albania, although a young democracy, had a far better human rights record than Belarus.

57. Mr. MALEVICH (Observer for Belarus), expressing his surprise at the allegations made by the previous speaker, said that they had been propagated by biased NGOs. Belarus, for its part, abided by international law and cooperated with United Nations human rights mechanisms. The Albanian Government should rather address the human rights situation in its own country.

58. Mr. BENDO (Observer for Albania) repeated that his remark had not been intended as a criticism of the overall situation of human rights in Belarus. The reaction of the observer for Belarus seemed disproportionate to his own comment. He again urged that observer to look at the reports; they made the difference between the records of the two countries clear.

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS (agenda item 18)

(a) TREATY BODIES

(b) NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

(c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

59. Mr. DAHAK (International Coordinating Committee of National Human Rights Institutions), reporting on the outcome of the Fifth International Workshop for National Institutions for the Promotion and Protection of Human Rights, held in Rabat from 13 to 15 April 2000, said that it had ended with the adoption of a Declaration. In the Declaration the participants had inter alia, expressed the hope that national institutions would be permitted to participate fully in the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, emphasized the role that such institutions must play in combating discrimination and invited all States to ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families. It had also called on the national institutions to continue their activities to promote and protect children's and women's rights in accordance with existing international treaties and conventions and to fight against poverty and for the enjoyment of economic, social and cultural rights by all. Finally, they had

expressed appreciation to the High Commissioner for Human Rights for her support of the activities of the national institutions and had requested that funding for those activities be increased.

60. Mr. JACOBY (Association des Ombudsman et Médiateurs de la Francophonie (AOMF) and Institut International de l'Ombudsman (ILO)) said that AOMF had been established in May 1998 and comprised 34 ombudsmen from French-speaking countries in an organization which, like its members, was independent of Governments and administrations. ILO, which was made up of 325 ombudsmen from almost 100 countries, had been established in 1976 and operated on a regional basis. Both organizations had the objectives of strengthening and developing human rights institutions, reinforcing democracy, cooperation and the exchange of information and experience, and developing the professionalism and ethical basis of their members and staff.

61. Respect for human rights was possible only in a democratic context, and the principal measure of a democracy was the extent to which human rights were exercised and respected with the intervention of independent public authorities whose role was to defend citizens' rights against abuses of power. Those independent public authorities not only had to be equipped with powers, they had also to use them.

62. If there was one single threat to democracy, it was the negative effects of the globalization of markets which, if left to its own devices, increased inequalities, neutralized the protection and development of human rights and deepened rifts in society. That was why ombudsmen had to be extremely vigilant and proactive, and had to intervene more in public debates in order to ensure that market globalization was accompanied by the globalization of human rights and fundamental freedoms. The key to the effectiveness of the ombudsman institutions was their independence vis-à-vis the public authorities. However, to be effective they needed certain essential resources and tools, and capital investment was needed mainly in connection with information, training and establishing the ethical and professional standing of the ombudsmen themselves. To that end, AOMF and ILO published reports, encouraged research, drew up lists of experts, compiled principles of good administration and made known the various criteria by which citizens' claims were judged. They held seminars and training courses, produced audiovisual material, and did what they could to demystify the institution of ombudsman, which was feared by all too many administrative departments, usually as a result of ignorance or lack of understanding.

63. In many countries, there were both ombudsmen and human rights commissions which generally speaking, cooperated with one another. In some cases, however, there was a rivalry. In many places, in fact, they worked in parallel, without talking to one another and without coordinating their activities. That was a deplorable situation because their missions were complementary and the citizen, the focus of the activities of both, became the indirect victim of their power conflicts.

64. Mr. FITZPATRICK (Asia-Pacific Forum of National Human Rights Institutions) said that, despite a long-standing commitment to ensure that the work of national institutions was mainstreamed throughout the United Nations, the staff and activities of the OHCHR national

institution team were still being funded entirely by voluntary contributions. He requested the Commission to ask the Secretary-General to ensure that OHCHR work on national institutions was strengthened and funded from the regular United Nations budget.

65. The Asia-Pacific Forum was the most comprehensive mechanism for regional cooperation on human rights issues in the region. It had been established in 1996 to assist its member institutions to perform their mandates more effectively, to assist Governments and NGOs in establishing national institutions, and to promote cooperation. Forum members considered that the Paris Principles were the minimum standards with which institutions must comply prior to being admitted as members; there were no other restrictions on membership.

66. In the past year, membership had risen to eight, and currently comprised national institutions of Australia, Fiji, India, Indonesia, Nepal, New Zealand, the Philippines and Sri Lanka. In the past year also, national commissions had been established in Malaysia, Mongolia and Thailand, and they would presumably be applying for Forum membership in due course. Work was well advanced towards establishing national institutions, or improving existing institutions, in Bangladesh, East Timor and the Republic of Korea.

67. In 1998, the Forum had established an Advisory Council of Jurists to provide national institutions with judicial guidance on contemporary human rights issues. For the first time, a permanent regional judicial body was in a position to review and assess human rights issues in the Asia-Pacific Region.

68. The member institutions of the Forum had recently resolved that it should become an independent legal entity but, during the transition process, its future was dependent on it securing core operational expenses and sustainable funding; to that end it wished to acknowledge the generous financial assistance it had received in the past from the Governments of Australia and New Zealand and from OHCHR. The Governments of Australia and Denmark had generously committed funds over the next three years. The Forum was discussing funding with other Governments, foundations, corporations and individuals.

69. Mr. KJÆRUM (European Coordinating Group of National Human Rights Institutions), speaking also on behalf of the Danish Centre for Human Rights, said that, in the past year, there had been increased regional cooperation and a growing number of new institutions in Europe, and more were being planned. National institutions had an important role to play in dealing with the problem of racism, which was moving up the human rights agenda in all parts of the world, not least in Europe, and could serve as a useful platform for a dialogue between ethnic minorities and majority populations.

70. There was also a lack of access to justice, particularly marginalized groups. People frequently did not feel they could approach the justice system and, in any event, did not expect that they would receive proper redress from it. National institutions in European countries were becoming increasingly conscious of the need to fill that gap by providing a mechanism for solving conflicts and addressing violations. There was a continuing dialogue among European national institutions regarding a variety of approaches, including reviewing proposed legislation

and analysing the human rights performance of various branches of the administration of justice. Being independent from, yet recognized by, State administrations made the national institutions particularly suited to bridging the gap between the State and civil society.

71. The role of OHCHR as the focal point for the dialogue between national institutions was important, but its capacity should be strengthened to meet the demand and consolidated financially under the regular United Nations budget. Bilateral and multilateral support to national institutions should continue, but the recipient institutions had to be in charge so as to ensure that offers of assistance met their own defined priorities.

72. The Danish Centre for Human Rights had published its second status report on the situation of human rights in Denmark, which had been submitted to parliament. Some areas of concern covered a broad spectrum of society, such as the effects of increased surveillance challenging individual privacy, while others covered freedom of religion, including the right for Muslims to adequate facilities for prayer and religious ceremonies and for Muslim women to wear scarves in the workplace. For the first time, the status report had addressed the protection of human rights in the Danish armed forces. It had also addressed the rights to personal integrity and freedom from undue force in the case of persons suffering from senile dementia.

73. Mr. GNONDOLI (National Human Rights Commission (Togo)) said that, in March 2001, his country had hosted the third African Conference of National Human Rights Institutions. The Conference had adopted the Lomé Declaration, which underlined the need to combat trafficking in and the sale and exploitation of children, to strengthen measures to combat HIV/AIDS, to bring those responsible for human rights violations before the courts, and to strengthen the protection of human rights defenders and cooperation between national institutions. Cooperation with OHCHR would be enhanced and States which did not have national institutions would be encouraged to establish them.

74. In May 1999, the Government of Togo had been accused by Amnesty International of being responsible for the extrajudicial executions of hundreds of people whose bodies were alleged to have been found on the beaches of Togo and Benin. An international commission of inquiry had investigated the allegations and his own institution had established a working group to conduct investigations. No proof of the allegations was found; furthermore, when visiting Togo, Amnesty International had not sought to cooperate with his institution.

75. During the past year, his institution had played a significant part in drawing up Togo's new programme of cooperation with UNICEF on the rights of the child. In general terms, the National Commission was seeking to establish a clear status for its members, increase its capacity for action and establish greater cooperation with civil society. It had also presented a technical cooperation project to OHCHR which took account of those priorities.

76. Mr. NFOR GWEI (National Commission on Human Rights and Freedoms (Cameroon)) said that his organization's efforts were focused on the protection and promotion of human rights, cooperation, international undertakings, consultation and the reinforcement of its capacity. It had been facing a serious challenge in terms of an increase in crime: despite its efforts, human rights violations had multiplied and innocent citizens had fallen victim to arbitrary arrests, detention and torture. Also, some law-enforcement agents had abused their

powers and authority. The National Commission had carried out investigations and the Government had adopted some very serious measures on the basis of its recommendations. The National Commission paid unheralded visits to prisons, borstals and detention cells to ensure that the human rights of those detained were being respected and had secured the release of many people who had been detained in questionable circumstances.

77. The privatization of the broadcast media in Cameroon, which had resulted in the creation of more radio stations, had enabled the National Commission to bring the human rights message to people in the remotest areas of the country. Through radio and television programmes, the National Commission had been able to address such issues as the human rights of women, children and vulnerable groups and the provision of clean water as a human right. The country's educational authorities had decided to include human rights in the school curriculum and the National Commission would be making its contribution in that regard. It was a major source of human rights material, and worked consistently with NGOs. It had developed a consultative role with the Government, participating in the fight against corruption and in drafting a national programme on good governance.

78. It was aware of the need to reinforce its capacity and continued to urge the Government to complete the reorganization of its structure that had begun some years previously. The National Commission had installed Internet equipment, acquired with financial assistance from the United Kingdom Government, which had also supported financially the printing of its three-year progress report. It was looking forward to installing a Web site in collaboration with the French National Commission. The National Commission of Cameroon would like to see OHCHR strengthened and given adequate financial and human resources.

The meeting rose at 6.15 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 66th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 19 April 2001, at 6 p.m.

Chairperson:	Mr. DESPOUY	(Argentina)
later:	Ms. FILIP (Vice-Chairperson)	(Romania)
later:	Mr. DESPOUY (Chairperson)	(Argentina)

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The meeting was called to order at 6.15 p.m.

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

(a) TREATY BODIES

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(agenda item 18) (continued) (E/CN.4/2001/6, 13 and 97-101; E/CN.4/2001/NGO/17, 21, 102 and 128)

1. Ms. EH-SOON TAY (Australian Human Rights and Equal Opportunity Commission) paid tribute to the Office of the High Commissioner for Human Rights for all the assistance it had provided to national human rights institutions at all stages of their development. That assistance had been particularly important in promoting the development of regional alliances in the Asia-Pacific region. National institutions were now an established part of the international human rights framework and were in a position to make a significant contribution to events such as the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Australian commission had been actively involved in the preparations for the Conference, having established itself as an independent body with particular expertise in forms of racism that affected minorities and indigenous peoples. Among its many activities, it oversaw the submission of an annual report to the federal Parliament on the enjoyment of human rights by aboriginal people, it had recently published a guide to frequently asked questions on racism and it would soon be hosting a conference on reparation mechanisms for communities affected by the forced removal of children. In the run-up to the World Conference, it would also be hosting a national summit on civil society and racism, preceded by a one-day youth summit. It would then feed the outcome of the World Conference into a national conference on racism. The importance of the independent role of national institutions in combating racism had been widely recognized, not least by the High Commissioner herself. It was therefore vital that they should be able to speak, propose amendments to the declaration and programme of action and vote at the World Conference.

2. Ms. Filip (Romania), Vice-Chairperson, took the Chair.

3. Mr. BACQUET (Commission nationale consultative des droits de l'homme, France) said that national human rights institutions could easily be seen as just another form of collegial public body. Indeed, since their objective was to defend human rights which had only been acquired after a sometimes violent struggle with Governments, there was reason to be sceptical about the relevance and efficacy of official human rights institutions set up and funded by States. However, they offered the major advantage of having influence with Governments and enjoying the respect of the general public, while the disadvantages of being an official institution could be overcome if their independence was guaranteed by law and demonstrated by their conduct. Provided that the Principles relating to the Status of National Institutions for the Promotion and

Protection of Human Rights ("Paris Principles") were observed, national human rights institutions could complement the work of non-governmental organizations (NGOs) and play an effective role in the promotion and protection of human rights.

4. The statutory task of the French commission was to give advice and make recommendations to the French Government on a wide range of subjects in the field of human rights and humanitarian aid at both the national and the international levels. Its independence was guaranteed by the fact that its findings were made public, its members were volunteers who could not be removed during their tenure and, above all, it was able to investigate cases on its own initiative. One of its main concerns recently had been the need to build a democratic and united Europe based on respect for human dignity and a determination to combat racism and all forms of discrimination. It stressed the importance of consolidating the progress made possible in the field of human rights by the European Convention on Human Rights and had made many practical proposals for reforming the way the European Court of Human Rights worked in order to make it more effective.

5. However, the commission's focus on human rights in Europe did not mean that it was ignoring the rest of the world: it was only too aware that the rights set forth in the European Union's Charter of Fundamental Rights were universal in nature and that the fundamental principles of human rights were not relative or specific to particular regions, even though they might take account of cultural and religious diversity. European States must therefore guarantee those rights, including the right of asylum to everyone within their borders, in accordance with the 1951 Convention relating to the Status of Refugees.

6. Mr. OLGUÍN URIBE (National Human Rights Commission (CNDH), Mexico) said that neither the complete independence of CNDH and the Ombudsman nor the completion of the transition to democracy and the recent change of government in Mexico meant that the old shortcomings of the civil service and law enforcement agencies had been overcome or human rights violations eliminated. Tackling those problems required a proactive approach, an emphasis on prevention and continued efforts to establish a true human rights culture. For that reason, CNDH was involved in the main activities aimed at establishing the rule of law in Mexico, including the month-long march by the National Liberation Zapatista Army from Chiapas to the capital and back, in the course of which it had heard the complaints and demands of the people in the towns visited.

7. The CNDH Chairman had contributed to the drafting of the constitutional amendments drawn up by the Commission for Concord and Pacification (COCOPA), reflecting the San Andrés Agreements. He had stressed that the constitutional recognition of indigenous rights was intended to guarantee respect for their human rights, recognition of their cultural diversity and acceptance of their social structures and their right to self-determination. He had also suggested that a regulatory law should be prepared to define the main concepts, including the concept of an indigenous people and that of a community as a legal entity, and to clarify differences between certain indigenous customs and Western concepts of democracy and law.

8. CNDH was campaigning for a human rights approach to immigration problems by both sending and receiving States, on the grounds that the protection of human rights did not hamper controls on illegal immigration. It was pressing the United States Government to abandon all

border controls that endangered the lives of migrants and violated their rights, particularly its so-called Operation Gatekeeper, and to punish vigilantes "hunting" illegal immigrants. At the same time, it called for migrant workers in Mexico to be treated humanely and without discrimination of any sort.

9. CNDH cooperated with other national human rights commissions in promoting the concept of an independent ombudsman operating strictly on the principles of legality, justice and equity and had taken part in the establishment in November 2000 of the Network of National Human Rights Institutions of the Americas. At the fifth annual congress of the Ibero-American Federation of Ombudsmen, held recently in Mexico, concern had been expressed over the chronic problems impeding development and denying peoples their right to a decent living in a society free of poverty, insecurity and discrimination. For its part, CNDH would continue to fight alongside NGOs to prevent racism, xenophobia and intolerance.

10. Mr. NSOPE (Malawi Human Rights Commission) said that the Malawi Human Rights Commission had a broad mandate to promote human rights and investigate human rights violations on its own initiative or upon receipt of complaints. In its relatively short existence, it had investigated a wide range of complaints in areas ranging from access to justice and labour rights to land disputes and the rights of the child. It had itself initiated investigations into the death of Kwacha Ghambi, a prisoner who had died after being assaulted by prison warders, and into a scandal involving a national examination board. The commission's recommendations had been publicized and sent to the relevant authorities.

11. The commission was also committed to ensuring that the laws passed by parliament were in conformity with international human rights standards and had already drawn the attention of the Law Commission to shortcomings in the Police Act and the Criminal and Evidence Code and had made suggestions for the drafting of other legislation.

12. In addition, the commission had issued several public statements on different aspects of human rights in Malawian society, including the indiscriminate killing of a minibus passenger by a police officer and massive corruption and fraud in the Ministry of Education. It had also spoken out on the threat of civil war and on intimidation and violence during elections. The commission's visits to prisons and police stations to monitor conditions in them had revealed problems of overcrowding, poor food and sanitation, delays before prisoners' cases reached the courts and non-segregation of juveniles and adults. The commission had sent its recommendations for solving those problems to the Ministry of Home Affairs and Internal Security. It had also carried out a number of promotional activities aimed at raising public awareness of human rights.

13. He stressed the importance of the role of the National Institutions Unit in the Office of the High Commissioner for Human Rights and said that, in future, the Unit should be funded from the regular budget.

14. Mr. MONDINO (National Ombudsman of Argentina) said the gap between the large body of theory on the protection of human rights and the day-to-day reality had been exacerbated by the effects of globalization, with violations of the rights to food, health and education perhaps claiming more victims than armed conflicts. Globalization had led to unprecedented wealth and

technical progress in the developed countries, but also to higher and higher numbers of homeless and unemployed people with no access to medical care in the developing countries. However, even in the rich countries, not everyone enjoyed a satisfactory standard of living, while, in Latin America, it was expected that over half the population would soon be living below the poverty line. Globalization was thus increasing inequalities within societies. Moreover, globalization overrode all opposition, leaving the financial markets to dictate the rules, Governments to apply them and the people to put up with them. The question was therefore what level of inequality could be tolerated in a democracy. To answer that question, fresh thinking was needed: in terms of human rights, that meant finding ways to increase life expectancy for the underprivileged. A change of attitudes by decision-makers was also necessary at both the national and the international levels. The challenge was to bring about a harmonious convergence between human rights, economic development and democracy; to achieve that would require a determined worldwide effort.

15. He drew attention to a case in which a Guatemalan of Jordanian origin, Mr. Imad Mahmoud Shaban, had refused to return his children to their mother, the Argentine Ms. Gabriela Arias Uriburu, in contravention of the Inter-American Convention on the International Return of Children and despite all the efforts of the Argentine authorities. He called on the Government of Jordan to cooperate fully in the search for a solution that would allow the children to rejoin their mother.

16. Ms. NAVARRETE-RECIÑA (Commission on Human Rights of the Philippines) said that one of the innovations in the Constitution introduced after the Philippine people's successful revolt against dictatorship in 1987 had been the establishment of the Commission on Human Rights of the Philippines to bolster the country's system of checks and balances. She believed that the commission's constitutional mandate more than met the standards of the Paris Principles. It strove both to prevent human rights violations and to defend victims. Its activities included meetings with government agencies and non-governmental organizations to discuss issues such as urban poverty and law and order. It was running a number of major programmes, including the Philippine Human Rights Education Decade programme, under which detailed human rights educational modules had been developed. Unfortunately, the modules had not yet been printed because of lack of funds. The commission was planning to share the results of its work in a regional workshop later in the year.

17. In the belief that good governance could take root only if government officials became human rights advocates and civil society was a vigilant partner, the commission had also developed, with the help of experts from universities, NGOs and governmental organizations, modules on peace and human rights for local government leaders and civil servants. Again, however, it lacked the funds to print the modules and to train a sufficient number of trainers to reach all of its target audiences.

18. The Philippine commission responded to changes in the world by encouraging all staff members to carry on learning about human rights and by training them in the use of new technology so that they could provide a truly professional service. Its intention was not only to bring innovative programmes to its target audiences at home, but also to produce programmes designed to contribute to a better world for all.

19. Mr. SIPAUN (Human Rights Commission of Malaysia) said that the main functions of the year-old Malaysian commission were to raise awareness about human rights, advise the Government on the human rights dimension of legislation and on accession to international human rights treaties and investigate complaints of human rights violations. The Government had never tried to dictate to the commission, which had quickly become a household name in Malaysia following its investigation into allegations of police brutality during a demonstration by opposition parties in November 2000. Some reservations had been expressed by the Attorney-General and some police officers about the locus standi of the commission, but that was understandable given that it was the first time such an open investigation had been held in the country. Among its other activities, the commission had issued a statement calling for the release of seven political activists, declared 9 September the national human rights day and submitted its first annual report to parliament. The very fact that an independent human rights commission existed in Malaysia represented a giant step forward for the country.

20. Ms. FALARDEAU-RAMSAY (Canadian Human Rights Commission) said that the importance of cooperation between national human rights institutions was self-evident. The recent establishment of the Network of National Human Rights Institutions of the Americas was therefore a step in the right direction. At the forthcoming World Conference against Racism, those institutions must be accorded a role and status befitting their importance as tools for combating discrimination. Moreover, the National Institutions Unit in the Office of the High Commissioner for Human Rights should be adequately funded from the regular budget of the United Nations.

21. Canada was a multiracial society, but that did not mean it was immune to racism and an invidious form of intolerance. In its review of the Canadian Human Rights Act, the commission had found that the pay equity provisions of the Act had not been very effective and had recommended that social status should be added as a ground for discrimination. The commission had also expressed concern that some children, people with disabilities and aboriginal peoples still did not enjoy the economic, social and cultural rights to which Canada was committed and that racial minorities were significantly under-represented in the civil service. The challenge facing all national human rights institutions was to make the rights of the common people to dignity and equality, which had never before been so prominent in world affairs, into a reality.

22. Mr. SHORT (Ghana Commission on Human Rights and Administrative Justice) said that, notwithstanding the ratification of international human rights instruments protecting economic, social and cultural rights, the survival rights of millions of people continued to be routinely violated. National human rights institutions could contribute immensely towards improving the quality of life of poor communities by investigating and providing remedies for violations of economic, social and cultural rights, enhancing public awareness of those rights and monitoring government policies and programmes affecting those rights. In the previous year, the Ghanaian commission had been focusing on those rights as they affected maternity-leave benefits, education and medical care. For example, it had ruled that a clause in the contract of air hostesses working for the national airline, stipulating that they should not get pregnant within the first three years of their employment, should be removed. It also regularly advocated on behalf of poor and marginalized groups with a view to influencing government policies affecting them

and had issued statements on how those policies eroded the economic and social rights of citizens by making good-quality education and health care inaccessible to the majority of Ghanaians.

23. The commission had campaigned vigorously against ethnic prejudices and tribal discrimination and had helped achieve the liberation of around half of the "Trokosi" women and children held in bondage to atone for the alleged sins of their relatives. Its activities included efforts to educate the public about environmental rights, so that people did not lose their livelihood without adequate compensation when mining and building companies polluted water or evicted farmers.

24. He joined those calling for a regular budget allocation for the National Institutions Unit and ended with a quotation from the former Secretary-General of the British Commonwealth, Sir Shridath Ramphal, pointing out that human rights had no meaning for people who were hungry or struggling for survival and that efforts to protect their rights should begin at the grass-roots level.

25. Mr. VERMA (National Human Rights Commission of India) welcomed the increasing importance attached by the Commission on Human Rights and other United Nations forums to national human rights institutions, which played a crucial role in harmonizing national and international human rights standards and ensuring compliance with them. It was heartening to observe that impressive examples of cooperation between those institutions were on the increase at the bilateral, regional and international levels.

26. In the run-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Indian commission was organizing two seminars, to which it would be inviting the widest possible cross section of civil society. The commission had successfully opposed a draft bill on the prevention of terrorism on the grounds that, if enacted, it would have been inimical to the protection of human rights and it was currently studying the human rights implications of a draft bill on freedom of information. It had made recommendations to the Indian Government with regard to accession to international human rights conventions and the adoption of new national legislation. As a result, the Government had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, but legislation was still needed to deal with refugee questions in a manner consistent with internationally recognized principles. At the suggestion of the High Commissioner for Human Rights, the commission had recently designated a focal point to combat trafficking in women and children. It had also established a group of medical practitioners and scientists to advise it on health-related matters. In the area of human rights education, it had published a handbook on human rights for judicial officers and established a Chair for Human Rights Studies at the National Law School of India University in Bangalore.

27. In addition to its ongoing work in promoting and protecting civil liberties, proposing reforms in the criminal justice system and reviewing legislation, the commission had intervened in the aftermath of the cyclone in Orissa and the earthquake in Gujarat to ensure that the most vulnerable were not the least protected. The large increase in the number of complaints submitted to it was evidence of the faith of the people of India in the remedies it provided.

28. Mr. GUENNOUN (Conseil Consultatif des Droits de l'Homme (CCDH), Morocco) said that CCDH had just undergone a major reform which had extended its scope and strengthened its independence. It had been entrusted by the King of Morocco with responsibility for dealing with the question of enforced disappearances and it had collected and verified data from many different sources before recommending compensation for survivors or victims' families. An independent arbitration body was dealing with the payment of compensation. At the behest of the King, that body was also dealing with the question of arbitrary detention, concentrating initially on establishing procedures to guarantee a fair hearing for claimants and classifying compensation claims according to the seriousness of each case. The number of cases to be dealt with was low in relation to the numbers in other countries and the necessary preventive action was already being taken.

29. With regard to the prevention of human rights violations generally, CCDH had handled several hundred complaints in the past year, inspected conditions in prisons and reviewed legislation relating to human rights and fundamental freedoms. It had promoted a human rights culture by organizing workshops on issues such as the rights of people with disabilities and by providing training courses for law enforcement officials. It had also published a study on the Moroccan legal system and the Universal Declaration of Human Rights. At the international level, it had organized the fifth international meeting of national human rights institutions, a conference on the disabled and a symposium on human rights education and had held numerous bilateral consultations.

30. Ms. SEKAGGYA (Uganda Human Rights Commission), referring to some of the areas in which the Ugandan commission had had some success in the past year, said that it had launched its corporate plan for 2001-2003, emphasizing four priority areas: the establishment of a regional presence; more effective ways of handling important issues, for example by conducting public hearings and circuit tribunal hearings around the country; effective communication, including through the publication of an annual report; and improved management and human resource capacities. It had played a major role in preparing the public for the referendum on the country's political system and had designed a special media strategy to urge voters in the presidential elections to remain peaceful.

31. As a result of the commission's proactive approach to its dealings with the country's security forces and its emphasis on joint planning of human rights education, the security forces had a better appreciation of the commission's work and were cooperating with it in the production of human rights training manuals for each force. It was working with the Government, NGOs and civil society to support the Government in fulfilling its reporting obligations under international conventions and treaties. At the same time, it was endeavouring to learn from the experiences of other national institutions. The number of complaints it had to deal with had been steadily increasing as a result of its human rights education activities, although there was still much work to be done in raising awareness in rural areas, and one of its priorities was to process those complaints more efficiently.

32. Mr. DICKSON (Northern Ireland Human Rights Commission) said that the Northern Ireland commission had been less effective than it would have liked because of shortcomings in the statutory provisions governing it. It had also been obstructed in its work by the refusal of government departments, the police and other public authorities to disclose

information. Its report to the United Kingdom Government had recommended that the commission should be empowered to compel the production of evidence during its investigations and to intervene in court cases and also that it should be given sufficient resources. While awaiting a response to those and other recommendations, the commission was seeking to appeal a High Court ruling that it could not intervene in court cases to the House of Lords, the highest court in the United Kingdom.

33. The commission continued to call for an independent public judicial inquiry into the murder of the solicitor Mr. Frank Finucane and believed a similar inquiry might be required in the case of the murder of the solicitor Ms. Rosemary Nelson.

34. The commission pursued its goal of ensuring that all laws, policies and practices in Northern Ireland were measured against international human rights standards by examining draft legislation, conducting investigations into matters such as the treatment of children in juvenile justice centres and carrying out research into the rights of groups such as older persons or homosexuals. It had assisted many people in court proceedings involving human rights issues and had made a submission to the European Court of Human Rights concerning a group of cases dealing with the right to life.

35. The commission welcomed the establishment of a Police Ombudsman for Northern Ireland, but was disappointed with the human rights training provided to police officers and with the unwillingness of the police to accept the commission's advice on a range of issues.

36. The commission had devoted much of its energy in the past year to consulting the public on a possible bill of rights for Northern Ireland to supplement the European Convention on Human Rights, as provided for in the Belfast (Good Friday) Agreement, and to considering the applicability of the Convention to many issues. It had set up a project to protect the rights of all victims of violence to information and compensation and had urged the Government of the Republic of Ireland to establish a human rights commission as quickly as possible so that a charter of rights for the whole island could be drawn up by the two commissions. Although the commission was able to take completely independent positions on human rights issues, he could not agree with the Secretary of State for Northern Ireland when he claimed that Northern Ireland was transforming itself into a world leader in the protection and promotion of human rights.

37. Mr. PITYANA (South African Human Rights Commission) said that racism continued to permeate every aspect of South African society in direct and indirect, institutional and systemic ways, threatening to undermine democracy and the credibility of the country's Constitution. The National Conference on Racism, convened in Johannesburg in August 2000 by the South African commission, had adopted the South African Millennium Statement, which had become the basic tool for planning strategies to curb and eliminate racism. At the urging of the National Conference, the South African Parliament had declared the period 2001-2010 the Decade for National Mobilization against Racism. The forthcoming World Conference against Racism would add further impetus to the efforts already under way in South Africa.

38. The problem of racism could not be isolated from other forms of inequity in society. Disabled people, for example, faced not only prejudice, but also an environment of silence, ignorance or shame that thwarted their attempts to better themselves and assert their human

dignity. The commission had appointed a national commissioner on the rights of people with disabilities and was working with other agencies and activists to develop a more caring environment for disabled people. It also intervened regularly to ensure that the grants to which disabled people were entitled were not arbitrarily withdrawn or unduly delayed.

39. With the passage into law of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, South Africa now had a legislative framework which gave effect to the right to equality laid down in the Constitution. Special "equality courts" would be established later in the year to hear cases involving discrimination. The commission was involved in training judicial officials for the courts and would be the principal agency for referring cases to them. Given that what was needed was a change in societal mindsets, a national institution like the commission was best placed to encourage new ways of thinking by providing training and raising public awareness.

40. He paid tribute to the High Commissioner for Human Rights, Mrs. Mary Robinson, and her staff for supporting the work of the South African commission and endorsed her call for adequate budget resources to allow her Office to function effectively.

41. Mr. LAWRENCE (New Zealand Human Rights Commission) said that the Paris Principles were only a minimum standard and the New Zealand commission was therefore currently engaged, together with other national institutions, in a project to establish a set of best practice guidelines for such institutions. The commission was also actively engaged in the development of an international network of national institutions and in a project to develop and strengthen the Asia-Pacific Forum of National Human Rights Institutions.

42. On the domestic front, the New Zealand commission, which was independent of the Government, continually upheld international human rights instruments in public debates and in its submissions to parliament. It could take some credit for the New Zealand Government's very good record in ratifying and complying with those instruments.

43. National human rights institutions needed to commit themselves to effective strategic planning, to prevent them from slipping into a reactive mode and to ensure that they gave priority to systemic issues and allocated a suitable share of the available resources to educational work. In countries where human rights abuses were widespread, institutions needed support from the international community and regional groupings of human rights institutions. The emerging trend to have the work of the institutions systematically evaluated, including through independent external assessment, should be encouraged, as the systematic evaluation of outcomes helped them to optimize their performance and reassured stakeholders.

44. He joined other speakers in calling for the national human rights institutions to have speaking and voting rights at the World Conference against Racism, in recognition of their independent and important role. He also supported the calls for specific provision to be made in the United Nations budget for the National Institutions Unit in the Office of the High Commissioner for Human Rights.

45. Mr. Despouy (Argentina) resumed the Chair.

46. Mr. SHAHAB (Bahrain Consultative Council Human Rights Committee) said that, in its short existence, the Bahraini Human Rights Committee had dealt with complaints related to employment, housing, detention and the acquisition of Bahraini nationality. However, it was not seen as merely a complaints mechanism by the public, but, rather, as a "public conscience" and it had already earned the respect of State institutions. It had held meetings with human rights activists, attended international conferences and cooperated with regional and international human rights organizations. It had sent a delegation to the United Kingdom to learn from the experience of human rights organizations there and discuss ways to improve the human rights aspects of Bahraini legislation, As a result, it had made several recommendations to the Government, suggesting changes to the laws on housing and passport applications in order to remove discrimination against women. It had also recommended the introduction of a personal status law and accession to the Convention on the Elimination of All Forms of Discrimination against Women.

47. The commitment to human rights shown by the Emir of Bahrain, Sheikh Hamad Ben Aissa Al Khalifa, in introducing a citizens' charter guaranteeing the rights to freedom of expression, equality and equal opportunities provided a basis for the return of those who had fled the country and the release of political prisoners, as well as for the granting of Bahraini citizenship to those eligible for it.

48. Mr. ORTON (Human Rights Ombudsman of Bosnia and Herzegovina) said that the adoption of the Paris Principles had triggered an impressive increase in the establishment of national human rights institutions around the world, thanks in no small measure to the work of the National Institutions Unit in the Office of the High Commissioner for Human Rights. It was unfortunate that the Unit's work was not reflected in the regular budget, even though a number of government representatives had welcomed that idea when it had been floated a few years earlier. He therefore joined others in calling for the National Institutions Unit to be included in the regular budget of the Office of the High Commissioner for Human Rights as from the next budget year.

49. Mr. CITARELLA (National Committee for Human Rights, Italy) said that the Italian National Committee had originally been set up to enable Italy to meet its reporting obligations under various human rights instruments, but it had developed into a body with a far broader scope, acting as a reference point for all the human rights activities of international and regional organizations and ensuring that Italy complied with the provisions of international human rights instruments. Its composition reflected its mandate, its members representing government organs such as ministries, academics and specialized institutions in the field of human rights.

50. Working groups had been set up for every convention or instrument ratified by Italy and the Committee suggested measures in response to the recommendations of "ad hoc" treaty bodies. It also made recommendations to the Government on specific subjects, such as the introduction into Italian legislation of the crime of torture or the creation of the office of a national ombudsman. However, the most significant development was the Committee's new role as the national focal point for international aspects of human rights. It had, for example, been the lead organization in Italy in the preparations for celebrating the fiftieth anniversary of the Universal Declaration of Human Rights.

51. In recent years, the Committee had gradually intensified and institutionalized its cooperation with national and international NGOs. Such cooperation had been especially important in the preparations for events such as the European Regional Preparatory Conference for the World Conference against Racism. The Committee had also been involved in organizing round tables and seminars on human rights and prepared an annual report to parliament on human rights in Italy. Parliament's decision to allocate funds directly to it, rather than leave it to rely on funds from the Ministry of Foreign Affairs, was a reflection of the Committee's new standing.

52. Mr. OMO (National Human Rights Commission of Nigeria) said that the Nigerian commission had been set up to facilitate Nigeria's implementation of its various human rights treaty obligations and to promote and raise awareness of human rights issues. He gave details of the commission's mandate, which included: monitoring and investigating cases of human rights abuses in Nigeria; assisting victims of such abuses and seeking redress and remedies on their behalf; helping the Government to formulate human rights policies; organizing local and international seminars and workshops on human rights issues; and collecting and disseminating data on human rights.

53. Doubts had often been expressed about the credibility of the commission, as it had been set up by a military regime, but the new governing council appointed by the democratic Government and the commission itself, through its actions, had done much to allay those doubts. The commission offered an inexpensive, non-technical procedure for the redress of complaints of human rights violations. It educated the public at large, sensitized government officials and provided specialized training for groups such as the police and prison officers. It had also made effective recommendations to the Government on such important issues as the administration of the criminal justice system, prison reforms and communal conflicts. It had good relations with local and international non-governmental human rights organizations.

54. However, the commission was not complacent about its success and the problems that lay ahead for a country like Nigeria, with its cultural and historical variables, were daunting. He was optimistic about the future, given the Government's positive attitude towards the eradication of poverty and corruption. Some of the programmes the commission was planning included amending the National Human Rights Act, developing a national plan of action in the field of human rights, establishing a trust fund for the victims of human rights violations and developing a public education programme. The commission had also appointed special rapporteurs to cover the main thematic areas on which it would be focusing in the coming two years. The main constraints facing the commission were inadequate funding and infrastructure; enhanced independence and better-trained staff would enable it to better discharge its mandate.

55. The discussions between the needs assessment team from the Office of the High Commissioner, which had visited Nigeria earlier in 2001, and the Government, the commission and NGOs had been very useful. He hoped that the team's report would be acted on immediately with a view to extending much-needed advisory and technical services to the commission.

56. Mr. HASIBUAN (Indonesian National Commission on Human Rights) said that, in its transition to a system of pluralist democracy, Indonesia had made significant progress in developing a legal basis to redress human rights violations, notably through the enactment of the law on a human rights tribunal and the decision by the House of Representatives to establish an ad hoc tribunal to adjudicate on documented cases of human rights violations in East Timor and Tanjung Priok. However, there were major obstacles to the promotion and protection of human rights in Indonesia, including communal conflicts, bomb explosions, labour unrest and cases of people taking the law into their own hands. Communal conflicts sometimes had ethnic and religious connotations or involved armed separatist movements, as in Aceh and Papua, and resulted in torture, rape and violations of the rights to life and personal security. The Indonesian commission was carrying out a full investigation into the reported violations in Papua.

57. Indonesia had entered a new era in the promotion and protection of human rights as a result of the introduction of an article on human rights into the Constitution. While the new article did not entirely adopt the human rights norms set forth in the Universal Declaration of Human Rights, it did cover a large number of human rights principles, including non-discrimination and non-derogable rights. However, it also included the non-retroactive principle, which, in the commission's opinion, should be reviewed to take account of the aspirations of victims and society at large regarding the need to redress past human rights abuses.

58. The commission strongly believed that the promotion and protection of human rights should be an integral part of the reform process leading to a more democratic system in Indonesia and thus supported the Government's national plan of action on human rights and was encouraging it to ratify the International Covenant on Civil and Political Rights and its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights. It also assisted the Government in integrating human rights norms into Indonesian law. At the same time, it was aware of how important it was to increase public awareness of human rights and, to that end, would continue to develop synergistic partnerships with civil society and the Government.

59. Ms. RAHANTANIRINA (Madagascar) said that basic needs in terms of food, housing, health and education had to be met if human rights were to be respected, while human rights were fundamental to the maintenance of the rule of law. Her Government had therefore set up the National Human Rights Commission to try to overcome obstacles to the full enjoyment of human rights. The commission was an independent body with the power to instigate investigations on its own initiative. Its six sub-commissions were responsible for giving advice, bringing domestic legislation into line with international instruments, producing national reports, monitoring human rights education, raising public awareness and dealing with complaints. The commission consisted largely of representatives of NGOs and human rights organizations; it also included three human rights experts and six non-voting Government representatives.

60. In the past year or so, the commission had organized the celebrations to mark the fiftieth anniversary of the Universal Declaration of Human Rights, which had included exhibitions, visits to United Nations offices, nationwide competitions on human rights and radio and television programmes. In the capital, it had helped disadvantaged children to obtain replacement birth certificates and had campaigned to raise awareness of human rights violations.

It had organized round tables and helped train counsellors, health workers and legal assistants in human rights matters. It had held a seminar on human rights for gendarmes and taken part in various technical cooperation activities organized by the Office of the High Commissioner.

61. The sub-commissions had started up in July 2000 and were working on the ratification and implementation of various international and regional human rights instruments. The commission was committed to regional and international cooperation and had been represented at several regional conferences, including the Organization of African Unity (OAU) Ministerial Conference on Human Rights in Africa.

62. The future work of the commission would include strengthening its relationships with human rights NGOs, helping set up NGOs specialized in particular areas of human rights, such as the rights of the child, and organizing workshops, publishing information and producing radio programmes on human rights issues. In everything it did, the commission was guided by its main objective, which was to make every citizen aware of his or her human rights.

63. Mr. WIERUSZEWSKI (Poland) said that the achievements of the United Nations human rights treaty system - which had covered the whole world in an astonishingly short period of time - could not be measured only by the number of ratifications of international instruments. In any respects, the universal human rights system was a dead letter and to make it more effective would require a more imaginative approach from the Commission on Human Rights.

64. One of the main problems with the human rights treaty system concerned reporting procedures. Chronic late submission of reports and large backlogs in dealing with the reports that had been submitted meant that, paradoxically, the reporting system was functioning only because many States neglected their reporting obligations. The quality of reports, States' willingness to implement treaty bodies' recommendations and the involvement of civil society in the reporting process were also problematic. Some efforts had been made to solve those problems, particularly by the Human Rights Committee, which had introduced a more flexible new procedure under which a State party might be given more time to submit a more focused report, but, in reality, all treaty bodies had abandoned the practice of applying uniform reporting guidelines to all States parties - in some cases, even though that entailed not respecting the provisions of the treaty concerned.

65. States parties shared the responsibility for ensuring that all of them fulfilled their reporting obligations. To begin with, they should see to it that all treaty bodies had adequate resources to do their work. The new procedure followed by the Human Rights Committee deserved their full endorsement. Treaty bodies should be given more discretion over the periodicity and content of reports and the chairpersons of the treaty bodies should cooperate more closely in order to ensure that, as a rule, a State party would be scheduled to appear before a treaty body once a year, rather than several times or not at all. The Office of the High Commissioner should be encouraged to continue expanding and improving its technical assistance activities to help States build the infrastructure they needed if they were to fulfil their reporting duties. However, where failure to report was the result of a lack of political will, a more robust approach was needed: perhaps meetings of States parties to the various treaties could request States whose reports were more than five years overdue to submit their reports

immediately; the voting rights of those with long overdue reports could be suspended in elections for new members of the treaty body; or a treaty body could consider the situation in a given country even in the absence of a report.

66. It was a matter of serious concern that the very modest caseload of individual communications should produce a backlog of several years and that States parties were prepared to provide a remedy in only 20 per cent of cases disclosing a violation. The High Commissioner's recent decision to establish a petition team of experienced lawyers to help treaty bodies handling individual communications was a welcome step in the right direction, but the team needed more resources, which should be drawn from the regular budget. Some improvements could be achieved by improving treaty bodies' methods of work and members of treaty bodies could be expected to devote more time to individual communications. Serious consideration should also be given to the proposal to amend the Optional Protocol to the International Covenant on Civil and Political Rights so as to make the Committee's jurisdiction discretionary except in cases of capital punishment. More should be done to ensure that the views of treaty bodies were respected, as the refusal to act on them undermined the legitimacy of the whole treaty system. In particular, more transparency in the follow-up procedure would be desirable. A collective effort was needed to make sure the human rights treaty system was functioning as it should, for the benefit of all human beings.

67. Mr. THIOUNE (Senegal) said that the specific references in the new Senegalese Constitution to the Universal Declaration of Human Rights and other international instruments to which Senegal was a party were evidence of the importance his Government attached to human rights. The protection of human rights involved taking a firm stance against violations and providing assistance to victims, while the promotion of human rights was a question of education; in both cases, State actors had to work alongside non-State actors such as NGOs.

68. A number of national institutions in Senegal were involved in the promotion and protection of human rights. The new Office for Human Rights and Peace received complaints relating to human rights from individuals or organizations, followed up government action and promoted the sensitization and training of State officials in the area of human rights. In cooperation with the relevant ministries, it also prepared Senegal's periodic reports to treaty bodies. There was also an inter-ministerial commission on human rights and peace, which coordinated government human rights policy, ensured that complaints were dealt with by the relevant ministry and monitored the promotion of human rights in schools, universities and military training establishments. The Senegalese Human Rights Committee studied human rights questions and, where necessary, coordinated the activities of NGOs. The Institute of Human Rights and Peace was responsible for human rights education and the training of judges, lawyers, teachers, doctors and other professionals in human rights matters, as well as for carrying out research and information campaigns and organizing national and international seminars.

69. The task of all those institutions was to protect the population from human rights violations and to assist the Government in implementing its human rights policies and educating the public. Senegal was committed to the promotion and protection of human rights as one way to consolidate the rule of law and was working with other African States to harmonize their domestic legislation in that area.

70. Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland), speaking in exercise of the right of reply, said that her Government was fully committed to the implementation of the Good Friday Agreement and she could not accept the assertion that government departments had obstructed the Northern Ireland Human Rights Commission in its work. The Government always did its utmost to give the commission access to the widest possible range of information and, when information had to be withheld to protect an individual's right to privacy, for instance, it always specified the reason.

71. She took note of the commission's call for greater powers and said that the Government was currently considering the commission's recommendations on ways to improve the commission's effectiveness. The best way to bring the murderers of the solicitors Mr. Frank Finucane and Ms. Rosemary Nelson to justice was to allow the police investigations currently under way to run their course. However, the British Government had not ruled out any options and would consider the possibility of holding a public inquiry into the murders once those investigations had been completed.

The meeting rose at 9 p.m.